

**RECEIVED
CENTRAL FAX CENTER**

MAY 31 2006

Practitioner's Docket No. PPC-812

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **ANTHONY D. DiSALVO, RAYMOND, JR. J. HULL and JAMES A. WILLIAM**

Application No.: 09/991,407

Group No.: 3761

Filed: 11/16/2001

Examiner: M.KIDWELL

For: CATAMENIAL DEVICE CHANGE INDICATOR

**Mail Stop Petition
Commissioner for Patents
Arlington VA 22202**

**PETITION TO REVIVE APPLICATION ABANDONED UNINTENTIONALLY
FOR FAILURE TO REPLY TO A FINAL REJECTION**

1. This application became abandoned on June 24, 2005.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional 37 C.F.R. ' 1.137(b)(3).

06/01/2006 STEUMEL1 00000041 100750 09991407

01 FC:1453 1500.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
with sufficient postage as first class mail.

37 C.F.R. § 1.10*
as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

X facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

/Joel A. Rothfus/
Signature

Date: May 31, 2006

Joel A. Rothfus
(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Petition to revive application abandoned unintentionally for failure to reply to a final rejection—page 1 of 2

MAY 31 2006

3. Reply

With respect to the outstanding requirements applicant files herewith an amendment under 37 C.F.R. ' 1.116 that cancels all rejected claims to place the application in condition for allowance.

4. Fee (37 C.F.R. ' 1.17(m))

Applicants' status is: Other than a small entity — fee \$1,500.00.

5. Fee Payment

Authorization is hereby made to charge the amount of \$1,500.00 to Deposit Account No. 10-750/PPC812.

WARNING: Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above. A duplicate of this paper is attached.

6. Showing

Because this petition is more than 3 months after the date the Office first notified the applicant that the application is abandoned, applicant additionally submits a showing as to how the delay between the date the applicant was first notified that the application is abandoned and the filing of this petition under 37 C.F.R. ' 1.134(b) was unintentional. 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997); Section 711.03(c), MPEP, 8th Edition, Rev.2).

7. Terminal Disclaimer

Since this application is not a design application, no terminal disclaimer is required.

Date: May 31, 2006

/Joel A. Rothfus/
(Signature of person making statement that
abandonment was unintentional)

JOEL A. ROTHFUS
One Johnson & Johnson Plaza
New Brunswick, NJ 08933

**RECEIVED
CENTRAL FAX CENTER**

MAY 31 2006

Johnson & Johnson

**CORPORATE HEADQUARTERS
PATENT LAW DEPARTMENT
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NEW JERSEY 08933**

FACSIMILE TRANSMISSION COVER SHEET

TO: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PTO FACSIMILE NUMBER: (571) 273-8300

FROM: Joel A. Rothfus
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Tel: (732) 524-2722

J&J FACSIMILE NUMBER: (732) 524-2808

DATE: May 31, 2006

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 8

COMMENTS: Re: U.S. Serial No. : 09/991,407
J&J Docket No.: PPC-812

**IF THERE IS A PROBLEM WITH THIS TRANSMISSION, PLEASE CALL
(732) 524-2794**

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE SOLELY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

RECEIVED
CENTRAL FAX CENTER

MAY 31 2006

Docket No. PPC-812

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : ANTHONY DiSALVO Confirmation No.: 3311
Appln. No. : 09/991,407
Filed : 11/16/2001
Title : CATAMENIAL DEVICE CHANGE INDICATOR

Art Unit : 3761
Examiner : M.M. KIDWELL

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED
TO THE U.S. PATENT AND TRADEMARK OFFICE
TO FACSIMILE NO. 571-273-8300

May 31, 2006
(Date of Facsimile)

JOEL A. ROTHFUS
(Name of applicant, assignee, or Registered Representative)

/Joel A. Rothfus/
(Signature)

May 31, 2006
(Date of Signature)

Commissioner for Patents
Arlington, VA 22202

Statement Accompanying a Petition to Revive an Unintentionally Abandoned Application

Dear Sir:

The undersigned is the attorney of record in the present application and is employed by Johnson & Johnson, the parent company of the assignee of this application.

The undersigned has a prosecution docket of approximately 90 pending U.S. patent applications and a proportionately large foreign prosecution docket. In addition, the undersigned is involved in two litigation actions, due diligence and negotiation activities in several matters relating to the acquisition and/or divestiture of intellectual property rights, and in day-to-day client counseling activities. This level of activity has been at least constant, if not increasing, over the past year.

The U.S. Patent and Trademark Office issued a Notice of Abandonment in this application on October 4, 2005, and this Notice appears to have been received by the Johnson & Johnson Patent Department docket clerks on October 6, 2005.

The Johnson & Johnson Patent Department docketing and document handling systems have been transitioning from paper-based to electronic systems since November 2004. Instead of forwarding file folders with attached Office Actions, the Johnson & Johnson Patent Department notifies attorneys of incoming Office Actions via email, and the actual documents are uploaded into an electronic database. In order to view the document, the attorney must access the electronic database to view and/or print out the document. Neither

Serial No. 09/991,407

the paper file nor the paper documents are ordinarily delivered to the attorney. The undersigned regularly receives between thirty and 100 emails per day. There is no automatic notification to the attorney of pending final docket dates.

In December 2005, a review of patent application activity revealed that some applications on the undersigned's docket had gone abandoned, and a docketing database search in January revealed that the present application was also abandoned. Consultations with the undersigned between late January and into March confirmed that the assignee had no intention of abandoning this application. The undersigned's workload has again kept the accompanying petition from being filed sooner.

Respectfully submitted,

By: Joel A. Rothfus
JOEL A. ROTHFUS
Reg. No. 33,277

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2722
Dated: May 31, 2006